

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

AUNHK RA AUNHKHOTEPI

Plaintiff,

v.

HERBERT EBERHART,

Defendant.

No. 4:24-cv-01552-HEA

ORDER

This matter is before the Court on self-represented Plaintiff Aunhk Ra Aunhkhotep's motion for an order directing preservation of any and all relevant video/audio recordings. Plaintiff's motion seeks an order preserving any video or audio recordings Defendant's counsel may have of the incident that occurred on April 5, 2024. He states that such an order will "avoid any potential editing or deletion of the incident recorded." Doc. [8]. The motion will be denied. The Court has not yet issued a case management order or authorized discovery in this case. It is not clear from Plaintiff's motion whether Defendant filmed or recorded any incident involving Plaintiff on April 5, 2025. Moreover, Plaintiff has not presented any factual allegations, beyond his bare assertions, that Defendant might improperly edit or delete potential evidence. Finally, Defendant and his counsel are

under an obligation to preserve potentially relevant evidence under their control. Any failure to preserve such evidence might lead to sanctions for spoliation of evidence. *See Greyhound Lines, Inc. v. Wade*, 485 F.3d 1032, 1035 (8th Cir. 2007).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for an order directing preservation of any and all relevant video/audio recordings is **DENIED**. Doc. [8]

Dated this 26th day of June, 2025.

A handwritten signature in black ink, reading "Henry Edward Autrey", is positioned above a horizontal line. The signature is cursive and fluid.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE